

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DENIED as moot.



TAROME J. BOYD,

Plaintiff,

v.

JEREMY HOWARD

Defendant.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Case No. 1:19-CV-1073

Judge Timothy S. Black

Magistrate Judge Karen L. Litkovitz

**MOTION TO STAY PROCEEDINGS**

The State of Ohio, a limited interested party in this matter, by and through counsel, respectfully moves this Court to stay proceedings pending service of the complaint on the defendant. A memorandum in support is attached.

Respectfully submitted,

DAVE YOST  
Ohio Attorney General

/s/ Lori H. Duckworth  
LORI H. DUCKWORTH (0069078)  
Senior Assistant Attorney General  
150 East Gay Street, 16th Floor  
Columbus, Ohio 43215  
(614) 644-8693  
(866) 440-5756  
[lori.duckworth@OhioAttorneyGeneral.gov](mailto:lori.duckworth@OhioAttorneyGeneral.gov)

**MEMORANDUM IN SUPPORT**

On December 17, 2019, Plaintiff Tarome Boyd (“Plaintiff”), through his counsel, filed the complaint in the instant action in relation to an alleged incident that occurred on or about April 18, 2018, while Plaintiff was incarcerated at Lebanon Correctional Institution (“LECI”). [Doc. 1]. Jeremy Howard, the only named defendant, is no longer employed by LECI, and service has not yet been perfected on Mr. Howard. Defendant’s motion for extension of time filed February 5, 2020 [Doc. 8] indicated that the defendant had been served on January 16, 2020. [Doc. 5] It was later determined that service was accepted by LECI in error and the summons was returned unexecuted because Mr. Howard is no longer employed by the prison. [Doc. 6]. The Court granted an extension of time to February 27, 2020 to file a responsive pleading in this matter [Doc. 9], but currently the State of Ohio is an interested party and does not represent the defendant.

The undersigned learned of this case on February 5, 2020. Pursuant to Ohio R.C. § 109.362, the Ohio Attorney General’s Office (“OAGO”) must conduct an investigation to ascertain whether the actions of the defendant were manifestly outside the scope of his duties as an employee of the State of Ohio, in which case he would not be entitled to representation by OAGO. Counsel have initiated this investigation, which will include interviewing Mr. Howard. In the event that the Office of the Ohio Attorney General declines to represent the defendant, Mr. Howard will require time to secure his own legal representation.

As the sole named defendant has not been served with the complaint, the State of Ohio, acting in its capacity of an interested party, respectfully requests this Court to stay proceedings so that it may complete its investigation pursuant to Ohio R.C. § 109.362.

**CERTIFICATE OF SERVICE**

I certify that the foregoing *MOTION TO STAY PROCEEDINGS* was served this 26<sup>th</sup> day of February 2020, via this Court's electronic filing service.

/s/ Lori Duckworth  
LORI DUCKWORTH (0069078)  
Senior Assistant Attorney General